



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

NCC PDR

MAR 29 1979

The Honorable James T. Broyhill
United States House of
Representatives
Washington, D. C. 20515

Dear Congressman Broyhill:

We are pleased to respond to the inquiry of Mr. Michael Kohnle which you transmitted with your letter of February 13, 1979. We welcome sincere public interest in the matters associated with the nuclear industry and hope that this letter satisfactorily responds to Mr. Kohnle's specific concerns.

On January 23, 1978, an event occurred at the Fort St. Vrain Nuclear Generating Station operated by the Public Service Company of Colorado near Platteville, Colorado. Malfunction of a water level controller initiated a series of equipment interactions which led to the release of a small quantity (approximately four curies) of radioactive materials. The stack monitor for iodine-131 experienced masking by radionuclides other than iodine-131. This resulted in a higher initial estimate of iodine-131 than was actually being released from the stack.

When confronted by an indicated elevated release of radioactive iodine, company management at the site activated the facility emergency plan. Non-essential plant personnel were evacuated. Off-site agencies were notified and the State radiological response plan for Fort St. Vrain was implemented. The Colorado State Highway Patrol established roadblocks to control access to the area and to direct people exiting from the area to control points for monitoring and, if necessary, decontamination. Based on available information, the Colorado State Health Department decided that evacuation was not necessary.

This incident is discussed in detail in the following documents, copies of which are enclosed:

1. Memorandum dated March 8, 1978 to E. Volgenau from H. D. Thornburg and L. B. Higginbotham
2. Letter dated February 27, 1978 to Public Service Company of Colorado from E. M. Howard
3. IE Investigation Report No. 50-267/78-03
4. Letter dated March 8, 1978 to Public Service Company of Colorado from E. M. Howard

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5. IE Investigation Report No. 50-267/78-04

Although the Commission does not have an explicit policy on an "evacuation radius" as referred to in Mr. Kohnle's letter, the concept is essentially embodied in our regulatory requirements. In 1962, the Atomic Energy Commission published its Reactor Site Criteria as 10 CFR Part 100. One of these criteria references a need for consideration of establishing a capability for taking protective measures, in the event of a serious accident, on behalf of the public within a region called the Low Population Zone. The scope and extent of advance planning for such measures, e.g., evacuation of persons or instructions to take shelter on a timely basis, is explicitly identified as one of the factors in determining the adequacy of the Low Population Zone. Also, in 1970, the Atomic Energy Commission published its requirements in 10 CFR Part 50 for plans to cope with emergencies. These requirements, taken in conjunction with the aforementioned siting criteria, represent current NRC policy with regard to emergency planning that must be provided prior to the issuance of an operating license for a nuclear power plant. Thus, the provisions for effecting protective measures, including evacuation, for the public in the environs of a nuclear facility are clearly established as an integral part of all licensees' emergency plans. Note that the geographical area for which such plans are in place may differ slightly due to varying site characteristics and specific plant design features.

The Commission has been very active in providing guidance to State and local governments for the preparation of radiological emergency response plans in support of nuclear power facilities. In this regard, enclosed is a copy of NUREG-75/111 which discusses this guidance in detail. Also, a recent effort by a joint NRC/EPA Task Force has resulted in the enclosed report, NUREG-0396; EPA 520/1-78-016, which has been published for public comment. It is interesting to note that the report recommends establishing two generic Emergency Planning Zones around light water nuclear power plants; an inner zone of about 10 miles for the plume exposure pathway and an outer zone of about 50 miles for the ingestion exposure pathway. At this time these recommendations have not been adopted as NRC policy and are awaiting expiration of the public comment period.

As we interpret Mr. Kohnle's letter, his concerns regarding nuclear wastes are primarily (1) that final disposal of high-level radioactive wastes has not yet been demonstrated, and (2) that further licensing of nuclear power plants should not occur until a safe method of final disposal has been demonstrated. These are the same issues which were

raised by the Natural Resources Defense Council, Inc. (NRDC) in a petition for rule making submitted to the U.S. Nuclear Regulatory Commission (NRC) on November 8, 1976. In denying this petition, the Commission stated, in part "...it is neither necessary nor reasonable for the Commission to insist on proof that a means of permanent waste disposal is on hand, so long as the Commission can be reasonably confident that permanent disposal...can be accomplished safely when it is likely to become necessary." The Commission further stated that "Reasonable progress towards the development of permanent disposal facilities is presently being accomplished. Under these circumstances a halt in licensing of nuclear power plants is not required to protect public health and safety." A copy of the Federal Register notice denying this petition is enclosed.

The Commission's conclusion that it is not legally obligated to make an affirmative determination that wastes can be permanently disposed of without undue risk was subsequently sustained by the United States Court of appeals for the Second Circuit on July 5, 1978 (see Natural Resources Defense Council, Inc. v. NRC, et al., 582 F.2d 166).

The NRC staff is currently developing the necessary regulations, licensing procedures, and information base to enable the Commission to make timely and appropriate licensing decisions regarding high-level radioactive waste disposal. To date, the results of our studies have indicated no reason to disagree with the conclusions of the Commission cited above. We will continue to evaluate the results of our studies as they become available and to take appropriate actions whenever necessary to protect public health and safety.

The NRC does not have regulatory jurisdiction over the nuclear weapons program, and we are therefore unable to comment on Mr. Kohnle's request regarding the future of nuclear weapons.

We appreciate having had the opportunity to review and respond to Mr. Kohnle's letter.

Sincerely,

(Signed) T. J. Broyhill

 Leo V. Condit
Executive Director
for Operations

The Honorable James T. Broyhill

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Enclosures:

1. Memo dated 3/8/78
2. Letter dated 2/27/78
3. IE Report No. 50-267/78-03
4. Letter dated 3/8/78
5. IE Report No. 50-267/78-04
6. NUREG-75/111
7. NUREG-0396

Michael L. Kohnle
Route 1 Box 384
Granite Falls, N.C. 28630

February 9, 1979

Rep. J.T. Broyhill
2227 Rayburn Bldg.
Washington, D.C. 20515

Dear Congressman Broyhill,

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IE
The question of nuclear energy is in the limelite these days and I want you to investigate the emergency at the Fort St. Vrain, Colorado Nuclear Generating Plant last year. The plant developed a leak; the area should have been evacuated immediately, but due to an inadequate safety program, it was not. This has happened elsewhere and it will happen again. It is only a matter of time til a very serious accident occurs.

NRR
Consider the evacuation radius for nuclear generator emergencies. There is no standard policy. It varies from state to state. Why is this?

MISS
And how about nuclear waste? Must we forge ahead with developing these poisonous monsters until an acceptable solution has been devised to store these most lethal of all contaminants! Each drumfull is a catastrophe just waiting to happen - waiting for 25,000 years, as a matter of fact. Not even the pro-nuclear people deny that. Must we leave our children's children this burden? I think not. Please do your part to eliminate both nuclear power and nuclear weapons from the face of the earth. You can start by helping rid North Carolina of nuclear generators, waste transportation and storage facilities.

Sincerely yours,

Michael Kohnle

Michael Kohnle

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